



Docket No.: 13232 US2 (C38435/128425)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Dirk KOSTREWA, <i>et al.</i>)	Examiner: Tekchand SAIDHA, Ph.D.
Serial No.: 10/062,848)	Art Unit: 1652
Filed: February 1, 2002)	
For: MODIFIED PHYTASES)	

New York, New York
June 6, 2003

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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This is in response to the Office Action mailed May 6, 2003, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before June 6, 2003. It is not believed that this response occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a three-way restriction requirement pursuant to 35 U.S.C. § 121. The restriction divided the claims into the following allegedly distinct inventions:

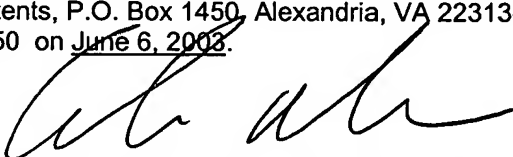
Group I drawn to "a process of designing and producing a modified phytase" containing claims 1-11, Group II drawn to "a modified *Aspergillus* phytase" containing claims 12-15 and 24, and Group III drawn to "DNA encoding a modified phytase and transformed host cells" containing claims 16-23. (Paper No. 12 at 2).

In accordance with restriction practice, the subject matter of claims 16-23 (Group III) is hereby elected for prosecution with traverse.

In the Office Action, the Examiner also asserted that "[a]pplicants' preliminary amendment, filed 02.01.02, is not signed by the Applicants' Representative. A signed copy is required." (Paper No. 12 at 3). We note that a Communication fully addressing the Examiner's assertion, including an attached copy of the signed Preliminary Amendment as originally filed, was transmitted via facsimile to the Examiner's attention on May 22, 2003.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

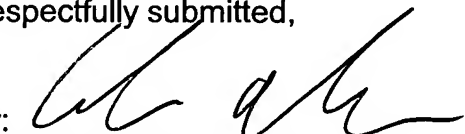
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 6, 2003.



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Respectfully submitted,

By:



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